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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,712	05/11/2001	Christian Toure	B-0692-US-PK/DO	5186

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EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT PAPER NUMBER

3728

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/852,712

Applicant(s)

TOURRE ET AL.

Examiner

Shian T. Luong

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Claims 10-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7 because applicant has not proposed any argument.

***Claim Rejections - 35 USC § 112***

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1 and 9, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In claims 2 and 3, the phrase "the number of absorbent paper thicknesses of which is a multiple of four" and "the sixteen thickness of absorbent paper", respectively, have no clear meaning. It is not certain as to what it encompasses.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over <sup>as prior art</sup> Admitted Prior Art shown in Figures 1-2 and disclosed in Figure 4 over Reinheimer et al (US 5,184,725) or Wewers (US 5,244,025). Admitted Prior Art discloses generally all of the

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elements of the claims, but lacks a square package. But providing a variety of shapes including square shaped is a conventional design in packaging art. Reinheimer et al teach a square shaped package as an alternative tissue package. Wewers teaches a square shaped package for receiving contents therein. Hence, it would have been obvious in view of Reinheimer et al or Wewers to provide square shaped package for the package of Admitted Prior Art since they would work equally well.

5. Claims 1, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focke et al (US 5,018,625) or Regenstein et al (US 4,460,088) in view of Reinheimer et al (US 5,184,725) or Wewers (US 5,244,025). Focke et al disclose a package comprising packs for stacks of folded paper tissues. The package has perforations as a means for tearing open the package. An adhesive strip is attached to the front portion to provide a reclosable opening. Rugenstein also shows a soft pack consisting of a plastic film. Perforations 29,30 extending inwardly from corners 27,28 of the pack. An adhesive strip 40 is applied to facilitate reclosing. Neither Focke et al or Regenstein et al disclose a square package. But providing a variety of shapes including square shaped is a conventional design in packaging art. Reinheimer et al teach a square shaped package as an alternative tissue package. Wewers teaches a square shaped package for receiving contents therein. Hence, it would have been obvious in view of Reinheimer et al or Wewers to provide square shaped package for the package of Regenstein et al or Focke et al since they would work equally well.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 1, further in view of Williams (US 3,129,811). Admitted Prior Art or Focke et al or Regenstein et al does not specifically teach the folding of the papers.

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Williams, however, teaches an absorbent paper as shown in Figure 3 wherein the paper is folded at line 16 and then respectively at 17. Thereafter, the transversely folded paper may be folded along the longitudinal centerline 14 and then along the parallel equal spaced longitudinal fold line 15. Hence, it would have been obvious to fold the absorbent paper in the manner as taught by Williams for the package of Admitted Prior Art or Focke et al or Regenstein et al to store the absorbent paper in a compact manner. Also, it would have been obvious to determine the desired height and width such as 50 and 58 mm, respectively, through routine experiment.

### *Conclusion*

7. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. **The Group clerical receptionist number is (703) 308-1148 or the Tech Center 3700 Customer Service Center number is (703) 306-5648.**

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Valerie Douglas at (703)308-1337.

For applicant's convenience, the Group Technological Center FAX number is (703) 305-3579 or (703)305-3580. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO

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deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039. The examiner can normally be reached on T-F from 7:00am to 4:00pm EST.

STL  
November 7, 2002

  
Primary Examiner  
Shian Luong  
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